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C O N F I D E N T I A L SECTION 01 OF 02 BRUSSELS 000079

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STATE FOR S/WCI, EUR/ERA
NSC FOR KVIENT

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TAGS: [PHUM](#) [PREL](#) [PTER](#) [EUN](#)
SUBJECT: GUANTANAMO/DETAINEE RESETTLEMENT: DISCUSSION IN
BRUSSELS GATHERS MOMENTUM

REF: A. 08 LISBON 2769
[1](#)B. PRAGUE 27
[1](#)C. USEU TODAY E-MAIL 1/8/2009
[1](#)D. STATE 04297

Classified By: CDA Christopher W. Murray for reasons 1.4 b & d

[1](#)1. (U) This is an action request. See paragraph 6.

[1](#)2. (C//NF) Summary. The EU is moving quickly to discuss issues of resettlement of Guantanamo detainees. On January 26, EU Foreign Ministers will likely consider the prospects for an EU common position on resettling detainees. In order to prepare the discussion, EU Counter-Terrorism Coordinator Gilles de Kerchove has requested information on the number of detainees the U.S. would like to resettle, and a breakdown of their nationalities. De Kerchove favors confiding this portfolio to FMs, rather than Interior Ministers, with whom we have tended to deal in the past on Guantanamo resettlement and asylum issues. De Kerchove, possibly with support of High Rep Solana, considers concerted action by Foreign Ministers would pre-empt the trip of EC Vice President Barrot to Washington, which de Kerchove seems to think would complicate the issue. An immediate question is whether it is in the U.S. interest to encourage an EU-level approach, as yet undefined, or to pursue a bilateral strategy of resettlement with member states. End summary.

[1](#)3. (C) EU consideration of ways to assist the U.S. with closure of detention facilities at Guantanamo is intensifying. Current discussions were initiated by the Government of Portugal on December 10, 2008 with a letter to EU Foreign Ministers (Ref A). In response to that initiative, EU Troika Political Directors discussed Guantanamo at their meeting in Prague on January 9 (Ref B). The Czech Presidency has reportedly placed Guantanamo on the agenda of the January 26 meeting of EU Foreign Ministers (Ref C) for "informal" discussion over the Ministers-only lunch. Meanwhile, over the weekend of January 16-18, press reports emerge that European Commission Vice-President Jacques Barrot (responsible for Justice and Legal Affairs) intended to travel to Washington with Czech Interior Minister Ivan Langer to discuss Guantanamo closure with the Obama administration. Barrot's staff has indicated it is planning for March 16-17. On January 20, Barrot's office notified USEU that it would request an appointment with the new U.S. Attorney General once he is in place.

[1](#)4. (C) EU Special Coordinator for Counter-Terrorism Gilles de Kerchove told Poloff on January 20 that he intends to send a short issue paper to EU Foreign Ministers ahead of the GAERC discussion with the objective of having them task the Council to work on the issue and develop a position for

formal approval. De Kerchove said that EU FMs needed information on the dimensions of the problem in order to have a productive discussion. He asked that the USG provide him information on the number of detainees ready for release, including a breakdown of the numbers by nationality. De Kerchove said that he had discussed this request with S/WCI Ambassador Williamson on January 14.

15. (C//NF) De Kerchove posited that it should be the FMs who shape EU-level policy discussion on Guantanamo. He argued member state Interior Ministers would be much more resistant to doing anything, whereas Foreign Ministers in the GAERC formation tended to be more focused on the immediate strategic dimension of the problem, and more inclined to help the USG close the facility for overall foreign policy reasons. Although he believed that only five to seven Member States may ultimately accept detainees due to political and legal reasons, he argued it could be useful for both the USG and the EU to have a common position for three reasons. First, member states could be more willing to accept detainees if they had the backing of an EU common position. Second, a common position could create the basis for an EU effort to marshal financial support for detainees to be sent to rehabilitation programs in Gulf States. Lastly, a common position could even allow the EU to join with the United States to apply pressure on third countries to accept detainees.

16. (C//NF) Action Request: Per Ref D, USEU requests urgent guidance to respond to De Kerchove's request for specific information on Guantanamo detainees. Post understands that USG information was recently prepared for the Government of

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Portugal after it made a recent similar request. End Action Request.

MURRAY

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